EDITOR'S NOTE

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SUPREME COURT OF THE UNITED STATES

86–5307

LEWIS WILLIAMS
v.
OHIO

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

86–6015

DANNY JOE BRADLEY
v.
ALABAMA

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ALABAMA

Nos. 86–5307 AND 86–6015. Decided March 9, 1987

The petitions for writs of certiorari are denied.

JUSTICE BRENNAN, dissenting from the denial of certiorari in both cases.

Adhering to my view that the death penalty is in all circumstances cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments, *Gregg* v. *Georgia*, 428 U. S. 153, 227 (1976), I would grant certiorari and vacate the death sentences in these cases.

JUSTICE WHITE, with whom JUSTICE BRENNAN joins, dissenting from the denial of certiorari in No. 86–5307.

In this case, the Ohio Supreme Court rejected petitioner's claim that a statutory aggravating factor that repeats an element of the crime is unconstitutional because it fails to narrow the class of persons eligible for the death penalty. This decision is consistent with *Wingo* v. *Blackburn*, 783 F. 2d 1046, 1051 (CA5 1986), cert. pending, No. 86–5026, but in conflict with *Collins* v. *Lockhart*, 754 F. 2d 258, 263–264 (CA8), cert. denied, —— U. S. —— (1985). I would grant certiorari to resolve this conflict.

JUSTICE MARSHALL, dissenting from denial of certiorari in both cases.

In these cases, petitioners' death sentences were founded on statutory aggravating factors that repeat elements of the underlying capital offenses. For reasons stated in *Wiley* v. *Mississippi*, —— U. S. —— (1986) (MARSHALL, J., dissenting from denial of certiorari), I would grant the petitions for review.